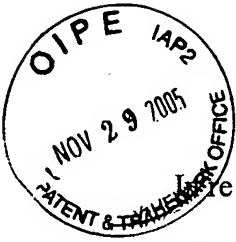


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of Del Favero, Jr., John P.

Art Unit: 2161

Serial No.: 10/006,930

Examiner: NGUYEN, Marilyn P.

Filed: December 6, 2001

For: METHOD AND SYSTEM FOR  
INFORMATION RETRIEVAL BASED  
ON MENU SELECTION

CERTIFICATE OF EXPRESS MAILING

Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that the document herewith is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, Express Mail Label No. EV328803218US on November 29, 2005 in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: November 29, 2005 By:

Magdalena Blackmer

**INFORMATION DISCLOSURE STATEMENT**

Sir,

Applicant submits herewith patents, publications or other information (attached hereto and listed on the attached Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 C.F.R. § 1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- (c) ☒ as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.
- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known

to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180.00) set forth in 37 C.F.R. § 1.17(p) or a certification as specified in 37 C.F.R. § 1.97(e), as checked below.

- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. **This document is to be considered as a petition requesting consideration of the information disclosure statement.**
- (f) ☐ is filed as part of a Request for Continued Examination under 37 C.F.R. § 1.114, which includes submission of an Information Disclosure Statement as part of the fee set forth in 37 C.F.R. § 1.17(e). The Request for Continued Examination was filed on September 1, 2005.

[If either of boxes (d) or (e) are checked above, the following "certification" under 37 C.F.R. § 1.97(e) may need to be completed.] The undersigned certifies that:

- ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☒ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 is supplied herewith:

☐ each ☒ none ☐ only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached PTO form 1449 are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on PTO-1449 is:

- ☒ not given
- ☐ given for each listed item
- ☐ given for only non-English language listed item(s) [Required]
- ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

The Examiner is reminded that a "concise explanation of the relevance" of the submitted prior art "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

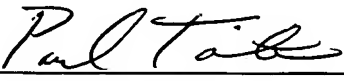
While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 C.F.R. § 1.97(b), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 C.F.R. § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

DERGOSITS & NOAH LLP

Dated: November 29, 2005

By:   
Paul K. Tomita  
Reg. No. 43,196

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